



OFFICE OF THE DIRECTOR OF POLICE
THE UNIVERSITY OF TEXAS SYSTEM
TRAINING BULLETIN 003
MENTAL/EMOTIONAL HEALTH CONTACTS AND
CONCEALED HANDGUN LICENSE HOLDERS
JULY 24, 2014



I. Purpose

This training bulletin provides commissioned officers guidance when referring Concealed Handgun License (CHL) holders with psychiatric conditions or disorders to the Department of Public Safety for license revocation.

II. Discussion

Texas Government Code §411 allows for the revocation of a person's Concealed Handgun License if the person shows evidence of mental instability or "has been diagnosed by a licensed physician as suffering from a psychiatric disorder or condition that causes or is likely to cause substantial impairment in judgment, mood, perception, impulse control, or intellectual ability."

Officers should become familiar with the below listed sections of the Code as well as the Department of Public Safety forms:

§411.172	Eligibility
§411.186	Revocation
§411.206	Seizure of Handgun and License
§411.207	Authority of Peace Officer to Disarm
CHL-88	Revocation Affidavit
CHL-89	Instructions for CHL-88 Revocation Affidavit

III. Texas Government Code GC §411.172. ELIGIBILITY

A person is eligible for a license to carry a concealed handgun if the person is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun.

A person is incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person:

- (1) has been diagnosed by a licensed physician as suffering from a psychiatric disorder or condition that causes or is likely to cause substantial impairment in judgment, mood, perception, impulse control, or intellectual ability;

(2) suffers from a psychiatric disorder or condition described by Subdivision (1) that:

(A) is in remission but is reasonably likely to redevelop at a future time; or

(B) requires continuous medical treatment to avoid redevelopment;

(3) has been diagnosed by a licensed physician, determined by a review board or similar authority, or declared by a court to be incompetent to manage the person's own affairs; or

(4) has entered in a criminal proceeding a plea of not guilty by reason of insanity.

(e) The following constitutes evidence that a person has a psychiatric disorder or condition described by Subsection (d)(1):

(1) involuntary psychiatric hospitalization;

(2) psychiatric hospitalization;

(3) inpatient or residential substance abuse treatment in the preceding five-year period;

(4) diagnosis in the preceding five-year period by a licensed physician that the person is dependent on alcohol, a controlled substance, or a similar substance; or

(5) diagnosis at any time by a licensed physician that the person suffers or has suffered from a psychiatric disorder or condition consisting of or relating to:

(A) schizophrenia or delusional disorder;

(B) bipolar disorder;

(C) chronic dementia, whether caused by illness, brain defect, or brain injury;

(D) dissociative identity disorder;

(E) intermittent explosive disorder; or

(F) antisocial personality disorder.

EXCEPTION:

(f) Notwithstanding Subsection (d), a person who has previously been diagnosed as suffering from a psychiatric disorder or condition described by Subsection (d) or listed in Subsection (e) is not because of that disorder or condition incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person provides the department with a certificate from a licensed physician whose primary practice is in the field of psychiatry stating that the psychiatric disorder or condition is in remission and is not reasonably likely to develop at a future time.

IV. Texas Government Code §411.186 REVOCATION

The Texas Department of Public Safety shall revoke a Concealed Handgun License if the holder becomes ineligible under §411.172 and a peace officer prepares an affidavit stating the reasons for revocation.

V. Texas Government Code §411.206. SEIZURE OF HANDGUN AND LICENSE.

If a peace officer arrests and takes into custody a license holder who is carrying a handgun under the authority of this subchapter, the officer shall seize the license holder's handgun and license as evidence.

VI. Texas Government Code GC §411.207. AUTHORITY OF PEACE OFFICER TO DISARM

A peace officer who is acting in the lawful discharge of the officer's official duties may disarm a license holder at any time the officer reasonably believes it is necessary for the protection of the license holder, officer, or another individual.

The peace officer shall return the handgun to the license holder before discharging the license holder from the scene if the officer determines that the license holder is not a threat to the officer, license holder, or another individual and if the license holder has not violated any provision of this subchapter or committed any other violation that results in the arrest of the license holder.

VII. CHL – 88 “OFFICER’S AFFIDAVIT FOR REVOCATION OF CONCEALED HANDGUN LICENSE AND/OR INSTRUCTOR’S CERTIFICATE UNDER GOVERNMENT CODE SECTION 411.186

The purpose of the Revocation Affidavit is to provide information to identify the grounds upon which a license may be revoked as set forth in Government Code Section 411.186.

- The notarized affidavit, along with all attachments, must be sent within five (5) days after the affidavit is prepared.
- A copy of the affidavit, along with attachments, must be sent to the holder.
- In the event of an emergency mental detention/committal, Section 3 should be marked and completed with a brief statement

VIII. CHL -89 – “INSTRUCTIONS FOR CHL-88 REVOCATION AFFIDAVIT”

See attached.



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